IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

Bail Appl..No. 5496 of 2007()

[CRIME NO.832/2007 OF KARUNAGAPPALLY POLICE STATION]

PETITIONER/ACCUSED 1 TO 6

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1. BINU, S/O.SOMARAJAN, AGED 33,
THARAMEL VEEDU, SOORANADU VADAKKU, KOLLAM.

2. SOMARAJAN, AGED 62 YEARS,
THARAMEL VEEDU, SOORANADU VADAKKU, KOLLAM.

3. SAUDAMINI, W/O.SOMARAJAN,AGED 52 YEARS,
THARAMEL VEEDU, SOORANADU VADAKKU, KOLLAM.

4. BIJI, S/O.SOMARAJAN, AGED 29,
THARAMEL VEEDU, SOORANADU VADAKKU, KOLLAM.

5. BINOD, S/O.SOMARAJAN,AGED 25 YEARS,
THARAMEL VEEDU, SOORANADU VADAKKU,
KOLLAM.

6. PRIYANKA, W/O.BIJI, AGED 20 YEARS,
THARAMEL VEEDU, SOORANADU VADAKKU, KOLLAM.

BY ADV. SRI. K.SIJU

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
S.I. OF POLICE, KARUNAGAPPALLY POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5496 of 2007

Dated this the 12th day of September 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and relatives of the husband of the de facto complainant. The sixth petitioner, though shown as an accused in the F.I.S has now been deleted from the array of parties as there is no sustainable allegations against her, submits the learned Public Prosecutor.

2. The marriage took place in 2001. The spouses are blessed with two children. There is strain in the matrimony. Matrimonial cruelty of the culpable variety is alleged against the petitioners. The learned counsel for the petitioner submits that because of the strain in matrimony, fanciful and exaggerated allegations are raised against the petitioners.

3. The learned Public Prosecutor does not oppose the application for anticipatory bail of petitioners 1 to 5. I reckon that as a reasonable stand taken by the learned Public Prosecutor as arrest and incarceration of the petitioners is likely to mar all chances of harmonious settlement of the matrimonial dispute. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

4. In the result, this petition is allowed in part. Claim in so far as the sixth petitioner is dismissed as her apprehension is found to be without any basis. Following directions are issued under Section 438 Cr.P.C in favour of petitioners 1 to 5.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19/09/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 20/09/2007 and 21/09/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of two months. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to

arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 19/09/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007